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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/722,410	11/28/2000	Satoru Okada	723-951	4624

27562 7590 05/12/2003

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EXAMINER

WHITE, CARMEN D

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 05/12/2003

14

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/722,410

Applicant(s)

OKADA ET AL.

Examiner

Carmen D. White

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 37-51, 87-101, 114 and 115 is/are pending in the application.
- 4a) Of the above claim(s) 37-51 and 114 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 87-89, 92-97, 100 and 115 is/are rejected.
- 7) ☒ Claim(s) 90-91, 98-99 and 101 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/627,440.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5, 6, & 8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election

Applicant's election without traverse of claims 87-101, Group XII, in Paper No. 12 is acknowledged. However, Applicant disagrees with the restriction requirement of claims 37-51, Group III, on the ground(s) that Applicant believes it has a similar search with the elected claims of Group XII. This is not found persuasive because the claims of Group III are drawn to a ***method of generating a display*** in a system for playing video games, which has its main search in 463/30. However, the claims of Group XII are drawn to a ***pluggable memory cartridge*** for use in a system for playing video games, which has its main search 463/44. Therefore, the requirement is still deemed proper and is therefore made FINAL.

Claims 37-51 and newly added claim 114, which depends from claim 37, have been withdrawn from further consideration.

An office action on the elected claims 87-101 and newly added claim 115 appears below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 87-89, 92-97, 100 and 115 are rejected under 35 U.S.C. 103(a) as being unpatentable over ***Mantani*** (5,808,591) in view of ***Nagano*** et al (5,556,108).

Regarding claim 87-89, 92-97, 100 and 115, a pluggable memory cartridge for use in a system for playing video games by displaying graphical information based at least in part on user interaction provided through operation of at least one user-manipulable control, said system including a main unit having a cartridge insertion port that receives said pluggable memory cartridge, said main unit including an object attribute memory (OAM) storage, a background color random access memory storage and a video random access memory storage, said memory cartridge including a housing dimensioned to be at least partially inserted into said port; an electrical connector that electrically connects the cartridge to the main unit; and at least one non-volatile memory device disposed within said housing, said nonvolatile memory device being electrically connected to said electrical connector, said memory device storing executable instructions for writing information bits for moving objects {OBJ} to the OAM storage; writing moving object definitions, background character definitions and bitmapped graphics to the video RAM and generating a game display that is responsive to the user manipulable control and is based at least in part on the contents of the OAM, background color storage and the video RAM (Fig. 5; Fig. 7; Fig. 8; Fig. 9; Fig. 10; Fig. 11; col. 1, lines 45-47 and lines 62-65; col. 2, lines 1-3 and lines 59-64; col. 4, lines 57-60; col. 5, lines 35-45; col. 8, lines 46-55). While Mantani teaches the storage of background color data, character data and video data, Mantani is silent regarding the explicit teaching of the feature of storing color values to a color palette. However, in an analogous pluggable memory cartridge for a video game, Nagano teaches the storage of a plurality of color values for a color palette (Fig. 7). It would have been obvious to a

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person of ordinary skill in the art at the time of the invention to include the feature of a color palette storage of Nagano in Mantani to give the game an aesthetic enhancement by making the character and background colors more realistic and vivid. Further, while both Mantani and Nagano teach the storage of object, video and color data, the references are silent regarding the explicit teaching of specific number and bit size of the moving object and color palette storage. However, it is well within the functional capability of the non-volatile memory devices of Mantani and Nagano to impose the specified limits of the instant claims on the amount of storage of object and color palette data. This would merely involve the physical programming of the memory to perform this function. This would ensure that the game data would better suit the purpose of entertaining the player, by providing additional color and character capability.

Claims 90-91, 98-99 and 101 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: claims 90-91, 98-99 and 101 teach specific features of the non-volatile memory storage that are not explicitly taught, nor are they obvious, in the non-volatile memory of the cited prior art of record.

USPTO Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carmen D. White whose telephone number is 703-308-


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5275. The examiner can normally be reached on Monday through Friday, 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7768 for **Non-official** communications and 703-305-3579 for **Official** communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1078.

cdw
cdw


S. THOMAS HUGHES
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